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REMARKS

The present invention concerns a novel gaming device and method in which a gaming terminal is configured for playing at least a first game. A reader is provided for receiving data from a data storage device carried by the game player. A button is provided for pressing by a game player as part of the game. A biometric device is provided for measuring biometric data of the game player by sensing the biometric data directly through the button as it is pressed by the game player.

The gaming terminal carries a comparator. The comparator compares the parameters of the game player's biometric data that is sensed through the button with biometric data parameters that are **directly obtained from the data storage device that is carried by the player. This comparison is accomplished without involving a remote access data base in the comparison.**

In one embodiment of the invention, as pointed out in claims 33 and 35, in the event that the game player's biometric data parameters that is sensed through the button do not match the biometric data parameters directly obtained from the data storage device, the game player's biometric data is stored in a remote access database. On the other hand, as pointed out in claim 35, in the event that the game player's biometric data sensed through the button does match with the biometric data parameters directly obtained from the data storage device, the biometric data is not stored in a remote access database.

All of the claims very clearly distinguish applicant's invention from the Bradford et al. patent. A careful study of Bradford et al. shows that the smart card carried by the player in Bradford et al. does not itself contain biometric data. Instead, it contains

information concerning the player that links the player to a casino's central computer that stores the player's biometric information. Thus, the fingerprint applied by the player through the push button is not compared with biometric data directly obtained from the smart card without involving a remote access database in the comparison (as claimed herein) but is instead compared with data stored on the casino's central computer. That is a major and patentable difference. While Bradford et al. teaches comparing the biometric data sensed through the button with biometric data on a casino's central computer, the claims of the present application make it clear that in applicant's invention, the biometric data sensed through the button is compared with biometric data directly obtained from the data storage device without involving a remote access database in the comparison.

On page 3 of the Office Action, the Examiner recognizes that "Bradford does not teach said data storage device containing biometric data of the game player or said terminal comparing the sensed biometric data with **biometric data directly** obtained from data storage device carried by the game player, **without involving a remote access database in the comparison**, for the player identification."

In an effort to remedy this significant deficiency, the Examiner has combined Bradford with Griswold et al. However, Griswold et al. is disqualified from being used in the Section 103(a) rejection because the present application Serial No. 10/040,603 and Griswold et al. U.S. Patent No. 6,629,591 were, at the time the invention of the present application was made, owned by the same corporation (IGT). Thus, pursuant to 35 U.S.C. §103(c) and MPEP §706.02(l)(2), Griswold et al. is disqualified from being used in an obviousness rejection against the claims of the present application.

The Examiner has also rejected claims 33-35 as unpatentable over Bradford et al. in view of Griswold et al. and further in view of Cumbers. As stated above, the Griswold et al. patent is disqualified from being used in the rejection. It should also be noted that even if Griswold et al. were a reference that could be used, Cumbers would not form a proper combination for a rejection of claims 33-35. Significantly, the biometric data taken from a customer in Cumbers is sent to a central computer system to determine whether there is a match. This of course is significantly different from determining a match by comparing the game player's biometric data parameters that are sensed through the button to the biometric data parameters directly obtained from the data storage device that is carried by the player, without involving a central computer. In any event, the disqualification of Griswold et al. as a reference makes all of the rejections moot.

In view of the foregoing, it is submitted that the present application is now in condition for allowance and an early notice of allowance is respectfully requested.

If for some reason the Examiner does not believe that the claims are in condition for allowance, he is requested to telephone counsel for applicant directly at (312) 460-5567.

Respectfully submitted,
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I hereby certify that this correspondence is being sent Via Facsimile to the U.S. Patent and Trademark Office (Fax No. 571-273-8300) on April 22, 2008.

Registered Attorney for Applicant
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